

"(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4); or

"(B) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

"(b) No senior politically appointed officer may receive an award under the provisions of this subchapter during a Presidential election period.

"§4509. Prohibition of cash award to Executive Schedule officers

"No officer may receive a cash award under the provisions of this subchapter, if such officer—

"(1) serves in—

"(A) an Executive Schedule position under subchapter II of chapter 53; or

"(B) a position for which the compensation is set in statute by reference to a section or level under subchapter II of chapter 53; and

"(2) was appointed to such position by the President, by and with the advice and consent of the Senate."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4507 the following:

"4508. Limitation of awards during a Presidential election year.
"4509. Prohibition of cash award to Executive Schedule officers."

Approved October 31, 1994.

LEGISLATIVE HISTORY—H.R. 3499:

HOUSE REPORTS: No. 103-598, Pt. 1 (Comm. on Post Office and Civil Service).

SENATE REPORTS: No. 103-396 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 140 (1994):

July 19, considered and passed House.

Oct. 7, considered and passed Senate, amended. House

concurrent in Senate
amendment.